

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1253-AIR-E **TCEQ ID:** RN100543073 **CASE NO.:** 34360  
**RESPONDENT NAME:** International Paper Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** Corrigan Facility, 800 Industrial Road, Corrigan, Polk County

**TYPE OF OPERATION:** Softwood veneer and plywood facility

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 10, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** Ms. Gina Lee-Wright, Environmental Health & Safety Manager, International Paper Company, P.O. Box 1005, Corrigan, Texas 75939  
 Mr. Brian Heim, Senior Counsel EHS, International Paper Company, P.O. Box 1005, Corrigan, Texas 75939  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 1- 4, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 24, 2007 (NOV); October 4, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to maintain an emission rate below the allowable emission limits for particulate matter ("PM") based on stack testing data conducted at the Boiler Electrostatic Precipitator ("ESP") stack Emission Point Number ("EPN") S-06. Specifically, testing was completed on January 13, 2006 with the average PM emission rate of 57.59 pounds per hour ("lbs/hr") exceeding the 57.58 lbs/hr permitted limit [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 48786, General Condition 8 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$14,375</p> <p><b>Total Deferred:</b> \$2,875  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$11,500</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on April 26, 2007, the Respondent submitted the results of re-testing conducted on March 23, 2007, at the Boiler ESP stack, EPN S-06, which documented compliance with PM emission limits.</p>

Additional ID No(s): PF0002P



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned

4-Oct-2007

PCW

4-Oct-2007

Screening

4-Oct-2007

EPA Due

28-Apr-2007

## RESPONDENT/FACILITY INFORMATION

Respondent International Paper Company

Reg. Ent. Ref. No. RN100543073

Facility/Site Region 10-Beaumont

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 34360

Docket No. 2007-1253-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Daniel Siringi

EC's Team EnforcementTeam 5

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$12,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

40% Enhancement

Subtotals 2, 3, &amp; 7

\$5,000

Notes

Enhancement for one (1) 1660 order with denial of liability and ten (10) NOV's without same or similar violations, including four (4) self-reported effluent violations in the past five years at this plant.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5

\$3,125

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

All corrective actions were completed on March 23, 2007.

Total EB Amounts \$89  
Approx. Cost of Compliance \$1,500

0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$14,375

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$14,375

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$14,375

DEFERRAL

20%

Reduction

Adjustment

-\$2,875

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$11,500

Screening Date 4-Oct-2007

Docket No. 2007-1253-AIR-E

PCW

Respondent International Paper Company

Policy Revision 2 (September 2002)

Case ID No. 34360

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100543073

Media [Statute] Air

Enf. Coordinator Daniel Siringi

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one (1) 1660 order with denial of liability and ten (10) NOVs without same or similar violations, including four (4) self-reported effluent violations in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 40%

<b>Screening Date</b> 4-Oct-2007 <b>Respondent</b> International Paper Company <b>Case ID No.</b> 34360 <b>Reg. Ent. Reference No.</b> RN100543073 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> Daniel Siringi <b>Violation Number</b> 1	<b>Docket No.</b> 2007-1253-AIR-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																						
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 48786, General Condition 8 and Tex. Health & Safety Code § 382.085(b)																							
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<b>&gt;&gt; Environmental, Property and Human Health Matrix</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;"><b>Harm</b></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle; text-align: center;"><b>OR</b></td> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td rowspan="2" style="vertical-align: middle; text-align: center;"><b>Percent</b> 25%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>			<b>Harm</b>						Release	Major	Moderate	Minor		<b>OR</b>	Actual			x	<b>Percent</b> 25%	Potential			
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<b>Matrix Notes</b> Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human or environmental receptors as a result of the violation.																							
<b>Adjustment</b> \$7,500																							
<b>\$2,500</b>																							
<b>Violation Events</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Number of Violation Events</td> <td style="width: 10%; text-align: center;">5</td> <td style="width: 10%; text-align: center;">434</td> <td style="width: 40%;">Number of violation days</td> </tr> <tr> <td rowspan="6" style="vertical-align: middle; text-align: center;">           mark only one with an x         </td> <td style="text-align: center;">daily</td> <td></td> <td rowspan="6" style="vertical-align: middle; text-align: center;"> <b>Violation Base Penalty</b> \$12,500         </td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>		Number of Violation Events	5	434	Number of violation days	mark only one with an x	daily		<b>Violation Base Penalty</b> \$12,500	monthly		quarterly	x	semiannual		annual		single event					
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Five quarterly events are recommended based on date of the failed stack test to the date of compliance.																							
<table style="width: 100%;"> <tr> <td style="width: 50%;"><b>Economic Benefit (EB) for this violation</b></td> <td style="width: 50%;"><b>Statutory Limit Test</b></td> </tr> <tr> <td>Estimated EB Amount \$89</td> <td>Violation Final Penalty Total \$14,375</td> </tr> <tr> <td colspan="2" style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$14,375</td> </tr> </table>		<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	Estimated EB Amount \$89	Violation Final Penalty Total \$14,375	This violation Final Assessed Penalty (adjusted for limits) \$14,375																	
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**Economic Benefit Worksheet**

Respondent International Paper Company

Case ID No. 34360

Reg. Ent. Reference No. RN100543073

Media Air

Violation No. 1

Percent Interest:	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	13-Jan-2006	23-Mar-2007	1.2	\$89	n/a	\$89

Notes for DELAYED costs

Estimated cost of process changes necessary to reduce PM emissions from the Boiler ESP stack (EPN: S-06).  
Date required is the date the testing documented exceedances and final date is the date re-testing documented compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$89

# Compliance History

Customer/Respondent/Owner-Operator:	CN601047830	International Paper Company	Classification: AVERAGE	Rating: 2.44																																				
Regulated Entity:	RN100543073	CORRIGAN FACILITY	Classification: AVERAGE	Site Rating: 1.85																																				
ID Number(s):	<table border="0"> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>PF0002P</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>980</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0001902000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0064491</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0064491</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>688B</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>PF0002P</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>48786</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4837300005</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>70853</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79112</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>83020</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	PF0002P	AIR OPERATING PERMITS	PERMIT	980	WASTEWATER	PERMIT	WQ0001902000	WASTEWATER	PERMIT	TPDES0064491	WASTEWATER	PERMIT	TX0064491	AIR NEW SOURCE PERMITS	PERMIT	688B	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PF0002P	AIR NEW SOURCE PERMITS	PERMIT	48786	AIR NEW SOURCE PERMITS	AFS NUM	4837300005	AIR NEW SOURCE PERMITS	REGISTRATION	70853	AIR NEW SOURCE PERMITS	REGISTRATION	79112	AIR NEW SOURCE PERMITS	REGISTRATION	83020
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TCEQ Region:	REGION 10 - BEAUMONT																																							
Date Compliance History Prepared:	October 04, 2007																																							
Agency Decision Requiring Compliance History:	Enforcement																																							
Compliance Period:	October 05, 2002 to October 04, 2007																																							
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																								
Name:	Daniel Siringi		Phone:	409-899-8799																																				

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- |  |                            |
|--|----------------------------|
| Effective Date: 03/19/2007   | ADMINORDER 2006-1600-AIR-E |
| Classification: Major  |                            |
| Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  |                            |
| 30 TAC Chapter 122, SubChapter B 122.145(2)(A)   |                            |
| 5C THC Chapter 382, SubChapter D 382.085(b)  |                            |
| Rqmt Prov: 00980, General Terms and Conditions OP  |                            |
| Description: Failed to provide the probable cause and the corrective actions or preventative measures for a deviation reported for the time period of January of January 23, 2005 to July 22, 2005 and failed to submit a deviation report for the July 23, 2005 to January 22, 2006 time period to address the improperly reported deviation. |                            |
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 10/15/2002 | (192969) |
| 2 | 11/22/2002 | (192971) |
| 3 | 12/30/2002 | (192973) |
| 4 | 01/10/2003 | (18749)  |
| 5 | 01/27/2003 | (192975) |
| 6 | 02/26/2003 | (192953) |
| 7 | 03/21/2003 | (310147) |
| 8 | 04/22/2003 | (310149) |

9	05/27/2003	(310150)
10	05/30/2003	(61692)
11	06/24/2003	(310151)
12	07/23/2003	(310153)
13	08/18/2003	(133953)
14	09/23/2003	(310155)
15	10/24/2003	(310156)
16	12/02/2003	(310157)
17	12/29/2003	(310158)
18	01/23/2004	(310159)
19	02/24/2004	(310146)
20	03/22/2004	(310148)
21	04/23/2004	(358061)
22	04/26/2004	(266836)
23	05/20/2004	(358062)
24	06/22/2004	(310152)
25	07/06/2004	(310154)
26	07/26/2004	(358063)
27	07/27/2004	(280366)
28	08/24/2004	(358064)
29	09/20/2004	(358065)
30	10/25/2004	(358066)
31	11/29/2004	(385135)
32	12/06/2004	(371096)
33	12/09/2004	(371097)
34	12/22/2004	(385136)
35	01/24/2005	(385137)
36	02/23/2005	(423145)
37	03/28/2005	(385134)
38	04/26/2005	(423146)
39	05/27/2005	(423147)
40	06/24/2005	(423148)
41	07/25/2005	(444014)
42	08/12/2005	(395558)
43	08/23/2005	(444015)
44	09/16/2005	(444016)
45	10/27/2005	(474299)
46	10/27/2005	(474300)
47	11/28/2005	(474301)
48	12/29/2005	(474302)
49	01/27/2006	(474303)
50	02/24/2006	(456959)
51	03/07/2006	(474298)
52	04/03/2006	(502171)
53	04/24/2006	(502172)
54	05/25/2006	(502173)
55	06/26/2006	(502174)
56	07/24/2006	(524513)
57	07/27/2006	(467007)
58	08/22/2006	(524514)
59	09/25/2006	(524515)
60	11/07/2006	(549487)
61	12/08/2006	(549488)
62	12/21/2006	(549489)
63	01/30/2007	(583273)
64	02/27/2007	(583269)
65	04/09/2007	(583270)
66	04/27/2007	(583271)
67	05/18/2007	(583272)
68	06/11/2007	(559788)
69	07/24/2007	(559037)
70	09/05/2007	(573786)
71	10/04/2007	(596883)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 10/31/2002 (192971)

Self Report? YES

Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter



Date	11/30/2002	(192973)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2002	(192975)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2003	(310147)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/26/2004	(266836)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2) 5C THC Chapter 382, SubChapter A 382.085(b)			
Description:	Failed to submit the Annual Permit Compliance Certification (PCC) within 30 days after the end of the certification period.			
Date	12/06/2004	(371096)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	12/09/2004	(371097)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	08/15/2005	(395558)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	OP O-00980, General Terms and Conditions			
Description:	Failure of the permit holder to include or reference a deviation on the annual permit compliance certification.			
Date	07/24/2007	(567721)		
Self Report?	NO		Classification	Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP O-00980  
Description: Failure to submit an Annual Compliance Certification (ACC) and the Semi-Annual  
Deviation report in a timely manner.  
Date 09/05/2007 (573786)

Self Report? NO Classification Minor

Rqmt Prov: PERMIT OpR 1  
Description: Failure by Georgia Pacific Corrigan Wood Products Plant to properly maintain all units  
of collection, treatment and disposal.

- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INTERNATIONAL PAPER  
COMPANY  
RN100543073**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY  
§**

## **AGREED ORDER DOCKET NO. 2007-1253-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding International Paper Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a softwood veneer and plywood facility at 800 Industrial Road in Corrigan, Polk County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that International is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Three Hundred Seventy-Five Dollars (\$14,375) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred Dollars (\$11,500) of the administrative penalty and Two Thousand Eight Hundred Seventy-Five Dollars (\$2,875) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all



requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on April 26, 2007, the Respondent submitted the results of re-testing conducted on March 23, 2007, at the Boiler Electrostatic Precipitator ("ESP") stack, Emission Point Number ("EPN") S-06, which documented compliance with particulate matter ("PM") emission limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain an emission rate below the allowable emission limits for PM based on stack testing data conducted at the Boiler ESP stack EPN S-06, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 48786, General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 1- 4, 2007. Specifically, testing was completed on January 13, 2006 with the average PM emission rate of 57.59 pounds per hour ("lbs/hr") exceeding the 57.58 lbs/hr permitted limit.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: International Paper Company, Docket No. 2007-1253-AIR-E" to:



Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

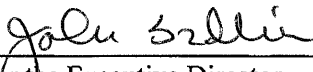




## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

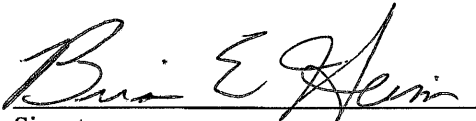
3/7/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

12/11/2007  
Date

Brian E. Ham  
Name (Printed or typed)  
Authorized Representative of  
International Paper Company

Senior Counsel FHS  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

